

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
DECEMBER 24, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor Philip Parker, Northgate Baptist Church, followed by the Pledge of Allegiance to the Flag of the United States of America. The following presentation was made:

Project Blue Light (12/24-12/30)

.....
Motion made by Representative Medina, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).
.....

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Consulting Services Contract, Independent Contractor, between the **CITY OF EL PASO** and **WILLIAM E. KIRCHHOFF** to assist in drafting and developing a vision statement and long term plans in support of the vision statement and prepare a comprehensive report detailing the plan for the El Paso Police Department at the rate of \$65.00 per hour, not to exceed 30 hours per week on an as needed basis. The total amount of the contract shall not exceed \$6,500.00. The Contract period shall be from December 19, 2001 through June 18, 2002.

.....
***RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contract on behalf of the Arts Resources Department, as part of the FY2002 Discovery Series. This performance will be held at the University of Texas at El Paso (U.T.E.P.) Theater, as recommended by the Arts Resources Department's Staff.

1. Joanne Rile Artists Management for Triangulo; one performance on Thursday, March 7, 2002; cost of \$7,500.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts Resources Department for the FY2002 Visual Arts Series to be held at the People's Gallery located on the first floor of City Hall, as recommended by the Arts Resources' Department Staff:

1. Alan W. Gordon; cost of \$300.00 for the exhibition during February 6, 2002 through April 30, 2002.
2. David Ackerman; cost of \$300.00 for the exhibition during February 6, 2002 through April 30, 2002.
3. Bill Rakocy; cost of \$300.00 for the exhibition during May 1, 2002 through July 31, 2002.
4. David Claudio; cost of \$200.00 for the exhibition during August 7, 2002 through October 31, 2002.
5. Corinne Abeyta Spinnler; cost of \$200.00 for the exhibition during August 7, 2002 through October 31, 2002.
6. Catherine B. Kistenmacher; cost of \$200.00 for the exhibition during August 7, 2002 through October 31, 2002.

***RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contracts on behalf of the Arts Resources Department for the FY2002 Music Under the Stars World Festival to be held at the Chamizal National Memorial, as recommended by the Arts Resources Department's Staff.

1. Rosio Ramos for Mariachi Las Caponeras; one performance on Sunday, June 2, 2002; cost of \$500.00.
2. Zulema Villela; one performance on Sunday, June 2, 2002; cost of \$75.00.
3. Paula Mendez for Lorenzo E. Mendez; one performance on Sunday, June 2, 2002; cost of \$75.00.
4. Amparo Arvizu; one performance on Sunday, June 2, 2002; cost of \$100.00.
5. Mariachi Los Arrieros; one performance on Sunday, June 2, 2002; cost of \$500.00.
6. Herman Gomez for What is Hepp Band; one performance on Sunday, June 16, 2002; cost of \$800.00.
7. Eye for Talent for Fantcha; one performance on Sunday, June 23, 2002; cost of \$7,000.00.
8. Juan Francisco Mendoza for Fixed Idea Band; one performance on Sunday, July 14, 2002; cost of \$800.00.
9. Pat Chase for Guitar Slim; one performance on Sunday, July 28, 2002; cost of \$500.00.
10. Ruben Gutierrez for Ruben Gutierrez Latin Jazz Exchange; one performance on Sunday, August 4, 2002; cost of \$500.00.
11. Pando Productions for B. J. Pando Show Band; one performance on Sunday, August 18, 2002; cost of \$500.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts Resources Department for the FY2002 Art Windows of El Paso Gallery, at the El Paso International Airport, as recommended by the Arts Resources' Department Staff:

1. Adair Margo Gallery for Susan Davidoff; no cost to the City for the exhibition during February 5, 2002 through April 30, 2002.
2. Adair Margo Gallery for Rachel Thewies; no cost to the City for the exhibition during February 5, 2002 through April 30, 2002.
3. Diana Molina; cost of \$500.00 for the exhibition during May 1, 2002 through July 31, 2002.
4. Raul Ayala; cost of \$500.00 for the exhibition during May 1, 2002 through July 31, 2002.
5. Adair Margo Gallery for Becky Hendrick; no cost to the City for the exhibition during August 6, 2002 through October 31, 2002.
6. Ray Parish; cost of \$500.00 for the exhibition during August 6, 2002 through October 31, 2002.

***RESOLUTION**

WHEREAS, the State of Texas has created "Project ChildSafe," a five year, \$5,000,000 program to provide free child safety locks and firearm safety information to Texas parents; and

WHEREAS, the program is funded through a grant from the Governor's Criminal Justice Division; and

WHEREAS, the Governor's Criminal Justice Division will provide materials and child safety locks that can only be distributed through county sheriff's and local police departments; and

WHEREAS, the El Paso Police Department has been authorized by the program to distribute 30,000 child safety locks, as provided by the program.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Police Department be authorized to obtain and distribute child safety locks and related materials as provided by and authorized by the Governor's program and Criminal Justice Division grant.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement by and between the City of El Paso and the U.S. Department of Transportation, Transportation Security Administration, relating to the establishment of a TSA K-9 Explosives Detection Team Program within the Police Department. The TSA will provide partial reimbursement to the City for certain K-9 team expenses and training.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Personal Services Contract for an Independent Contractor signed by the Mayor between the CITY OF EL PASO and CELEBRATION to present a program of 4-part harmony at the Main Library be

ratified. The total amount of the contract shall not exceed \$50.00. The services are to be performed on December 22, 2001.

.....
***JOINT USE RESOLUTION/AGREEMENT OF THE CITY OF EL PASO AND THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD PERTAINING TO A TWENTY-FOUR FOOT (24') JOINT USE EASEMENT FOR THE INSTALLATION OF RECLAIMED WATER PIPELINES FOR THE NORTHWEST WATER RECLAMATION FACILITIES PROJECT 2A WITHIN SEVERAL PARCELS OF CITY OF EL PASO DRAINAGE RIGHTS-OF-WAY KNOWN AS LOT 28, BLOCK 12, MESA DEL CASTILLO UNIT 4, CITY OF EL PASO, EL PASO COUNTY, TEXAS; LOT 43, BLOCK 9, MESA DEL CASTILLO UNIT 4, TRACT 14M, A.F. MILLER SURVEY 210, AND TRACTS 8N, 8P, 8S, 10A, 10E2, S.A. & M.G. SURVEY 268, AND LOT 1, BLOCK 10, WEST HILLS UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

WHEREAS, the El Paso Water Utilities Public Service Board is installing reclaimed water pipelines;
and

WHEREAS, the El Paso Water Utilities Public Service Board requests permission from the El Paso City Council to install reclaimed water facilities on real property of the City of El Paso.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso and the Public Service Board of the City of El Paso:

1. The El Paso City Council, hereinafter referred to as the "City", and the Public Service Board, hereinafter referred to as the "PSB", have agreed to the use of the following described parcel, which is an asset of the City of El Paso, for the installation of water and wastewater facilities:

PARCEL A

Being the centerline description of a 24' wide Joint Use Easement, located within the City of El Paso drainage right-of-way known as Lot 28, Block 12, Mesa Del Castillo Unit 4, City of El Paso, El Paso County, Texas;

PARCEL B

Being the centerline description of a 24' wide Joint Use Easement, located within the City of El Paso drainage right-of-way known as Lot 43, Block 9, Mesa Del Castillo Unit 4, Tract 14M, A.F. Miller Survey 210, and Tracts 8N, 8P, 8S, 10A, 10E2, S.A. & M.G. Survey 268, and Lot 1, Block 10, West Hills Unit Two, City of El Paso, El Paso County, Texas;

each being more particularly described in Exhibit "A", which is attached hereto and made a part hereof for all purposes and which shall hereinafter be referred to as the "Premises". (Exhibit on file with this Resolution in the City Clerk's Office).

2. The City agrees that the Premises may be used by the PSB for the installation and maintenance of reclaimed water facilities, and for no other purpose whatsoever, from the date of this resolution/agreement and for so long as the use contemplated by this resolution/agreement continues.

This Resolution/Agreement, in every sense, shall be without cost to the City for the installation and maintenance of reclaimed water facilities on the Premises.

3. The PSB shall not use the reclaimed water facilities in any matter which violates any federal or state law or regulation or any City ordinance. The Premises shall not be used by the PSB for any purpose, except as contemplated by this Resolution/Agreement.

The PSB shall fulfill the requirements of all governmental bodies and agencies thereof for the correction, prevention, and abatement of nuisances in or upon or connected with the PSB's use of said Premises during the said term at the PSB's sole cost and expense.

4. The PSB shall pay all expenses of installation, developing, maintaining, and operating the reclaimed water facilities. To the extent allowed by law, the PSB shall indemnify and hold harmless the City, its officers, employees, agents, or representatives from and against all claims, demands, causes of action, costs, liabilities, or expenses, including attorney's fees resulting from the acts or omissions of the PSB, its employees, agents, contractors, or representatives arising out of the PSB's use of the Premises.

5. The PSB/its contractor, will restore the site(s) to their existing grades.

6. The PSB shall comply with all statutes, laws, codes, and ordinances applicable to the PSB's use or occupancy of the Premises. In addition, the PSB shall obtain all required permits and inspections and pay the necessary permit fees.

7. The PSB agrees that it will replace all soil, landscaping and paving as disturbed by the installation, maintenance or repair of and to its reclaimed water facilities in and upon such Premises.

8. The City reserves the right to full use and enjoyment of the Premises except for the purposes herein granted, but such use shall not hinder, conflict or interfere with the PSB's rights hereunder. The City reserves the right to full use of the surface herein. However, the City will not construct any permanent buildings, which do not include fencing, on the Premises without the PSB's prior knowledge.

9. The PSB hereby acknowledges that damage to any facilities, persons or property resulting from PSB's reclaimed water facilities is at the PSB's sole cost and expense, and that the City will not be held responsible for any such damage.

10. It is understood and agreed that upon the termination of this Resolution/Agreement, for any reason, the reclaimed water facilities and appurtenances of any nature whatsoever, which have been placed upon the land by the PSB and which have not been removed within 120 days of termination of this Resolution/Agreement, shall become the property of the City and the City shall not be obligated to compensate or reimburse the PSB for the cost or value thereof.

11. It is expressly understood and agreed, by and between the parties hereto, that the Premises, which are the subject of this Resolution/Agreement, are an asset of the City, and that at some time in the future, said asset may be determined to be surplus to the needs of the City and that the City may deem it advisable and appropriate to sell or otherwise dispose of the same or to put the land to some other use. Before the City should sell or otherwise dispose of the Premises or put the Premises to some other use, the City will offer the Premises to the PSB in accordance with the terms and conditions of the 1965 Memorandum of Policies approved by the City and the PSB. In order that the sale or other use of disposition of said Premises shall not be hampered, frustrated, or impeded because of the use of designation of the Premises by the PSB, the PSB agrees that it will not encumber the same in any manner whatsoever, nor will it finance the development or improvement of the Premises by the issuance of bonds or by any other method of financing which would operate in any way to prohibit, restrict, or place any conditions whatsoever upon the subsequent use, lease, sale or other disposition of the Premises by the City because

of any statute of the State of Texas or ordinance of the City, Charter provision of the City, or any law of any governmental authority whatsoever now existing or later to be passed.

12. It is further understood that when a protocol for mutual use of lands and rights-of-way of the City of El Paso is approved by the City Council, this Joint Use Resolution/Agreement shall be superseded by such protocol, subject to the approval of the protocol by the PSB.

13. This Resolution/Agreement is subject to all rights-of-way, easements, dedications, restrictions, reservations, and other encumbrances of record and running with the land.

.....
***JOINT USE RESOLUTION/AGREEMENT OF THE CITY OF EL PASO AND THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD PERTAINING TO THE INSTALLATION OF A 42" REINFORCED CONCRETE PIPE (RCP) STORM SEWER LINE BY THE CITY OF EL PASO AS PART OF THE BORDERLAND DRAINAGE PROJECT PHASE I CROSSING THREE SEWER LINES AND ONE WATER LINE OF EL PASO WATER UTILITIES PUBLIC SERVICE BOARD KNOWN AS BEING A PORTION OF TRACT 7B1 OF SURVEY NO. 173 (EL CANUTILLO), EL PASO COUNTY, TEXAS, FOR THE PURPOSE OF ALLEVIATING THE STREET FLOODING PROBLEM IN THE DONIPHAN AND BORDERLAND AREA.**

WHEREAS, the City of El Paso Engineering Department has requested the approval of a Joint Use Resolution/Agreement between the City of El Paso and El Paso Water Utilities Public Service Board for the purpose of the City installing a 42" Reinforced Concrete Pipe (RCP) Storm Sewer Line as part of the Borderland Drainage Project Phase I; and

WHEREAS, the proposed line will cross three sewer lines and one water line of El Paso Water Utilities sewer lines; this drainage system will help alleviate the street flooding problem in the Doniphan and Borderland area;

WHEREAS, the El Paso Water Utilities Board approves the request from the City of El Paso Engineering Department Council to install a 42" RCP Storm Sewer Line on real property of the El Paso Water Utilities Public Service Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso and the Public Service Board of the City of El Paso:

1. The El Paso City Council, hereinafter referred to as the "City", and the Public Service Board, hereinafter referred to as the "PSB", have agreed to the use of the following described parcel, which is an asset of the El Paso Water Utilities Public Service Board, for the installation (by the City) of a 42" RCP Storm Sewer Line:

Being a portion of Tract 7B1 of Survey No. 173 (El Canutillo), El Paso County, Texas,

being more particularly described in Exhibit "A", which is attached hereto and made a part hereof for all purposes and which shall hereinafter be referred to as the "Premises". (Exhibit on file with this Resolution in the City Clerk's Office).

2. The PSB agrees that the Premises may be used by the City for the installation and maintenance of a reinforced concrete pipe storm sewer line, and for no other purpose whatsoever, from the date of this resolution/agreement and for so long as the use contemplated by this resolution/agreement continues.

This Resolution/Agreement, in every sense, shall be without cost to the PSB for the installation and maintenance of a reinforced concrete pipe storm sewer line on the Premises.

3. The City shall not use the reinforced concrete pipe storm sewer line in any matter which violates any federal or state law or regulation or any City ordinance. The Premises shall not be used by the City for any purpose, except as contemplated by this Resolution/Agreement.

The City shall fulfill the requirements of all governmental bodies and agencies thereof for the correction, prevention, and abatement of nuisances in or upon or connected with the City's use of said Premises during the said term at the City's sole cost and expense.

4. The City shall pay all expenses of installation, developing, maintaining, and operating the reinforced concrete pipe storm sewer line. To the extent allowed by law, the City shall indemnify and hold harmless the PSB, its officers, employees, agents, or representatives from and against all claims, demands, causes of action, costs, liabilities, or expenses, including attorney's fees resulting from the acts or omissions of the City, its employees, agents, contractors, or representatives arising out of the City's use of the Premises.

5. The City/its contractor, will restore the site(s) to their existing grades.

6. The City shall comply with all statutes, laws, codes, and ordinances applicable to the City's use or occupancy of the Premises. In addition, the City shall obtain all required permits and inspections and pay the necessary permit fees.

7. The City agrees that it will replace all soil, landscaping and paving as disturbed by the installation, maintenance or repair of and to its reinforced concrete pipe storm sewer line in and upon such Premises.

8. The PSB reserves the right to full use and enjoyment of the Premises except for the purposes herein granted, but such use shall not hinder, conflict or interfere with the City's rights hereunder. The PSB reserves the right to full use of the surface herein. However, the PSB will not construct any permanent buildings, which do not include fencing, on the Premises without the City's prior knowledge.

9. The City hereby acknowledges that damage to any facilities, persons or property resulting from City's reinforced concrete pipe storm sewer line is at the City's sole cost and expense, and that the PSB will not be held responsible for any such damage.

10. It is understood and agreed that upon the termination of this Resolution/Agreement, for any reason, the reinforced concrete pipe storm sewer line and appurtenances of any nature whatsoever, which have been placed upon the land by the City and which have not been removed within 120 days of termination of this Resolution/Agreement, shall become the property of the PSB and the PSB shall not be obligated to compensate or reimburse the City for the cost or value thereof.

11. It is expressly understood and agreed, by and between the parties hereto, that the Premises, which are the subject of this Resolution/Agreement, are an asset of the PSB, and that at some time in the future, said asset may be determined to be surplus to the needs of the PSB and that the PSB may deem it advisable and appropriate to sell or otherwise dispose of the same or to put the land to some other use. Before the PSB should sell or otherwise dispose of the Premises or put the Premises to some other use, the PSB will offer the Premises to the City in accordance with the terms and conditions of the 1965 Memorandum of Policies approved by the PSB and the City. In order that the sale or other use of disposition of said Premises shall not be hampered, frustrated, or impeded because of the use of

designation of the Premises by the City, the City agrees that it will not encumber the same in any manner whatsoever, nor will it finance the development or improvement of the Premises by the issuance of bonds or by any other method of financing which would operate in any way to prohibit, restrict, or place any condition whatsoever upon the subsequent use, lease, sale or other disposition of the Premises by the PSB because of any statute of the State of Texas or ordinance of the City, Charter provision of the City, or any law of any governmental authority whatsoever now existing or later to be passed.

12. It is further understood that when a protocol for mutual use of lands and rights-of-way of the City of El Paso is approved by the City Council, this Joint Use Resolution/Agreement shall be superseded by such protocol, subject to the approval of the protocol by the PSB.

13. This Resolution/Agreement is subject to all rights-of-way, easements, dedications, restrictions, reservations, and other encumbrances of record and running with the land.

.....
*Motion made, seconded and unanimously carried to postpone to January 3, 2002 the Resolution that the Mayor is hereby authorized to sign acceptance of right of way from HCD Partners, Ltd., for the Resler Drive Extension Project, El Paso, El Paso County, Texas.
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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Review Appraisal Services Agreement by and between the City of El Paso and Ralph Sellers & Associates in an amount not to exceed \$1,000.00 for the review appraisal of the following described City property to determine the appraised value for a proposed alley right-of-way vacation:

*A 16-foot alley in Block 118, Amended Map of MORNINGSIDE HEIGHTS ADDITION,
City of El Paso, El Paso County, Texas, and being more particularly described by
metes and bounds.*

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*Motion made, seconded and unanimously carried to postpone to January 8, 2002 the Resolution that the Mayor be authorized to sign the Ticket Sales Agreement with State National Bank under which the Bank will presell tickets to various events sponsored by the Arts Resources Department. The service provided by the Bank shall be at no cost to the City.
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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City of El Paso, be authorized to endorse an insurance claim draft in the amount of \$1,401.70, made jointly payable to Jose A. Rivera, Rosa A. Rivera, Wells Fargo and the City of El Paso, pursuant to the terms of a Deed of Trust in favor of the City of El Paso on the property located at 5737 Sweetwater Drive, El Paso, Texas.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

R E S O L U T I O N

WHEREAS, Ordinance No. 15006, approved by the City Council of the City of El Paso on December 24, 2001, authorizes the Council to declare limited periods of "amnesty" to allow borrowers of items from the

El Paso Public Library to return overdue items or items previously considered lost, without payment of the applicable overdue fines or fees for lost items; and

WHEREAS, the Library desires to encourage the prompt return of overdue items or items previously considered lost in order to complete an inventory of the Library's collection prior to the installation of a new automated system;

WHEREAS, the City Council finds that this amnesty will be for a legitimate public and municipal purpose by encouraging the return of items to the Library which may otherwise be unrecoverable, assisting in completion of an inventory of the Library's collection prior to installation of the new automated system, and fostering goodwill among patrons of the Library;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the week of January 6, 2002, through January 12, 2002, be declared "Amnesty Week" for the El Paso Public Library ("the Library") to allow borrowers of items from the Library to return overdue items or items previously considered lost, without payment of applicable overdue fines or fees for lost items, and to allow the Library to accept return of such items without payment of such fines or fees.

The motion to move this item to the regular agenda also included discussing the "Ordinance amending Ordinance Nos. 12909, 12141, and 10739, to provide that City Council may authorize the El Paso Public Library to accept return of overdue items without payment of fines or fees during a limited period of amnesty" at the same time the resolution was discussed.

See page 24 of the Minutes for comments.

Motion made Representative Escobar, seconded by Representative Rodriguez and unanimously carried to approve the above Resolution.

Representative Power abstained from the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**MULTIPURPOSE CENTER
DEPARTMENT ID. 51510032, ACCOUNT 502214**

- 1. **CONTRACTOR:** Monica Esqueda, Kick Boxing Instructor
 DATES: January 1, 2002, thru August 31, 2002
 RATE PER CL: \$10.30
 MAXIMUM AMT: \$988.80
 CONTRACT: 2001/2002-101

- 2. **CONTRACTOR:** Melissa Yvette Vega, Aerobics Instructor
 DATES: January 1, 2002, thru August 31, 2002
 RATE PER CL: \$10.30

MAXIMUM AMT: \$988.80
CONTRACT: 2001/2002-102

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

ACOSTA SPORTS CENTER

DEPARTMENT ID. 51010215, ACCOUNT 502215

1. CONTRACTOR: Esteban Raya, Scorekeeper for Youth Basketball
DATES: January 5, 2002, thru March 11, 2002
RATE PER GM: \$9.00
MAXIMUM AMT: \$1,440
CONTRACT: 2001/2002-103

CAROLINA CENTER

DEPARTMENT ID. 51510073, ACCOUNT 502214

2. CONTRACTOR: Rebecca Becerra, Aerobics Instructor
DATES: March 1, 2002, thru May 31, 2002
RATE PER CL: \$15.70
MAXIMUM AMT: \$1,020.50
CONTRACT: 2001/2002-104
3. CONTRACTOR: Gonzalo Delgado, Boxing Coordinator
DATES: March 1, 2002 thru May 31, 2002
RATE PER CL: \$7.90
MAXIMUM AMT: \$821.60
CONTRACT: 2001/2002 -105
4. CONTRACTOR: Judith Marcus, Ballet Instructor
DATES: March 1, 2002 thru May 31, 2002
RATE PER CL: \$11.80
MAXIMUM AMT: \$613.60
CONTRACT: 2001/2002 -106
5. CONTRACTOR: Consuelo Sanchez, Aerobics Instructor
DATES: March 1, 2002 thru May 31, 2002
RATE PER CL: \$8.80
MAXIMUM AMT: \$228.80
CONTRACT: 2001/2002 -107
6. CONTRACTOR: Virginia Quinonez, Aerobics Instructor
DATES: March 1, 2002 thru May 31, 2002
RATE PER CL: \$6.90
MAXIMUM AMT: \$448.50
CONTRACT: 2001/2002 -108

SAN JUAN RECREATION CENTER
DEPARTMENT ID. 51510123, ACCOUNT 502214

7. CONTRACTOR: Jessica Baker, Dance Instructor
DATES: January 2, 2002 thru May 31, 2002
RATE PER CL: \$11.90
MAXIMUM AMT: \$928.20
CONTRACT: 2001/2002 -109

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the folbwing Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS
NO. 51010281, 501011

1. CONTRACTOR: Michael Mercado, Lifeguard I, Step 1
DATES: November 20, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-160

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

NORTHEAST RECREATION CENTER
NO. 51510107, SUB-OBJECT 501011

1. CONTRACTOR: Blanca Schaffino, Substitute Day Care Instructor Aide, Step 2
DATES: January 28, 2002, thru August 31, 2002
RATES PER HR: \$5.60
CONTRACT NO: 2001/2002-170

.....
***RESOLUTION**

WHEREAS, it is in the best interest of the City of El Paso for its employees to acquire and maintain job-related education and training; and

WHEREAS, the City recognizes that job related training and education are important for employee development and excellence in job performance; and

WHEREAS, providing tuition assistance not only benefits City employees but also the City and its citizens by increasing the level of services and professionalism provided to the citizens; and

WHEREAS, it is the policy of the City to share in the costs of such training and education, and to encourage City employees to acquire such education and training;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council adopt a Tuition Assistance Program which will supersede the current Tuition Reimbursement Program for City employees and authorize the necessary funding therefor in accordance with the policy and procedures set forth in Exhibit A attached hereto and made a part hereof. (Exhibit on file with this Resolution in the City Clerk's Office).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a two-year Personal Services Contract in accordance with CSC Charter Article Vi, Section 6.6-5, paragraph F, between the City and the following contractor. The contract is subject to the approval of the City's Civil Service Commission.

Katherine I. Diehl, El Paso Water Utility Department, at a biweekly salary of \$1,576.92, to perform duties of Geographic Information System Specialist

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***RESOLUTION**

**THE STATE OF TEXAS,
COUNTY OF EL PASO,
CITY OF EL PASO.**

- WHEREAS,** the El Paso Housing Finance Corporation (the "Issuer") was duly created and organized pursuant to and in accordance with the provisions of the Texas Housing Finance Corporations Act, Chapter 395, Texas Local Government Code, as amended, for the purpose of providing a means of financing the costs of residential ownership and development that will provide decent, safe, sanitary housing for persons of low and moderate income at prices they can afford; and
- WHEREAS,** the Issuer has determined to issue its Single Family Mortgage Revenue Bonds, Series 2001D-1 and Series 2001D-2 for the purpose of refunding a portion of the Corporation's Single Family Mortgage Revenue Refunding Bonds, Series 2001C and for the purpose of providing additional funding to certain qualified low and moderate income home buyers to afford the costs of acquiring and owning decent, safe, and sanitary housing to finance single family residences located within the City of El Paso, Texas, the purchase price of which does not exceed certain limits, and
- WHEREAS,** the Issuer has conducted and held a public hearing regarding issuance of the Bonds on December 20, 2001 at 9:00 a.m. pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; and
- WHEREAS,** the City approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on

December 20, 2001, copies of which are both attached hereto as Exhibits to this Resolution and made a part hereof for all purposes; and

WHEREAS, the City Council of the City of El Paso hereby authorizes the Mayor to execute both the said General Certificate of the City of El Paso and the Mayor's Certificate, and deliver same to the Issuer.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of El Paso, Texas, that

1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. The Mayor of the City of El Paso is hereby authorized to execute a General Certificate of the City of El Paso and the Mayor's Certificate in the form attached as Exhibits to this Resolution and deliver same to El Paso Housing Finance Corporation to be used in connection with the issuance of its Bonds.

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the North Hills Unit Nineteen Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Loma Taurina Drive - from Loma Del Norte Drive to Loma Del Sol Drive, including cul-de-sac in front of Lot 35, Block 9, and cul-de-sac in front of Lot 17, Block 49

Loma Del Sol Drive - from the south-westerly property line of Lot 4, Block 10 to the north-westerly property line of Lot 7, Block 10

Antonio Santos Way - from Loma Taurina Drive to the end of the cul-de-sac in front of Lot 41, Block 9

Loma Isla Way - from Loma Taurina Drive to end of the cul-de-sac in front of Lot 10, Block 49

Drainage Improvements:

Loma Taurina Dr. and Loma Del Sol Dr. - 2-2 Grate Drop Inlets Type I; 35.0 ft. of 24.0" R.C.P.; 3-Junction Boxes/72.0" Manholes; and 243.0 ft. of 36.0" R.C.P.

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the North Hills Unit Eighteen Subdivision, Phase I and II be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

STREET IMPROVEMENTS:

Loma Del Norte Drive - from the south-westerly property line of Lot 23, Block 48, to the north-westerly property line of Lot 48, Block 45

Loma Del Sol Drive - from the south-easterly property line of Lot 1, Block 48 to Loma Clara Court

Loma Diamante Drive - from Loma Del Norte Drive to Loma Del Sol Drive

Loma Clara Court - from Loma Del Norte Drive to the south-easterly property line of Lot 2, Block 45

Loma Crystal Place - from Loma Clara Court to the north-easterly property line of Lot 38, Block 45

DRAINAGE IMPROVEMENTS:

15 ft. Drainage Easement - within Lots 19, 20, 21, 22, 23, and 24, Block 10; 329.74 ft. of 42.0" R.C.P.; 1 - Junction Box/72.0" Manhole; 69.25 ft. of 2-30.0" R.C.P.; and 1 - Connecting Junction Box

NOTE: Motion was revised to include "Phase I and II"

*Motion made, seconded and unanimously carried that the streets in the Parkland East Unit One Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Oryx Circle - from the west property line of Lot 35, block 1 to the west property line of Lot 24, Block 1
Antelope Court - from the Cross Street to the end of the cul-de-sac in front of Lots 12 and 13, Block 1

*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Lorenzo Guevara, Heavy Equipment Operator III
- B. Lorenzo Siqueiros, Sanitation Worker
- C. Rutilo Vargas, Stores Clerk II

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Cashier Clerk (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Zoo

Add	1.0	Zoo Education Curator	PM 77
Delete	1.0	Zoo Education Specialist	PM 74
Delete	1.0	Zoo Education Specialist/Curator	PM 77

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Community Development

Add	1.0	Computer Applications Supervisor	GS 25
Delete	1.0	Computer Systems Specialist (1)	PM 74

*Motion made, seconded and unanimously carried to approve the request from Robert M. Maldonado, of the Equipment Maintenance Department for Special Sick Leave.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C214-999-0020-6600, \$358.30 per month installments on a balance of \$4,299.60 for 2000 taxes; Dwayne M. Aboud – 5902 Mira Hermosa.

- B.** PID #C849-999-0700-0100, \$770.64 per month installments on a balance of \$4,623.84 for 2000 taxes; Alec Felhaber – 1501 Magoffin.
- C.** PID #0823-999-1248-0042, \$371.08 per month installments on a balance of \$2,226.48 for 1999 & 2000 taxes; Gil's Mexican Food – 1605 George Dieter.

.....
*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A.** Sierra Title Company, in the amount of \$1,841.88, overpayment of 2001 taxes.
(PID #A642-999-0060-6900)
- B.** Sierra Title Company, in the amount of \$1,557.69, overpayment of 2001 taxes.
(PID #A642-999-0090-2100)
- C.** Gorman Properties, in the amount of \$3,572.43 overpayment of 2001 taxes.
(PID C100-000-0000-0030)
- D.** Clay Mac Cormac, in the amount of \$1,545.69, overpayment of 2000 taxes.
(C340-999-0460-2700)
- E.** Lawyers Title Company, in the amount of \$645.99 overpayment of 2001 taxes.
(PID #R460-999-0310-0100)
- F.** Lone Star Title, in the amount of \$669.00 overpayment of 2001 taxes.
(PID #S075-000-0100-0320)
- G.** Henry L. Chan & Catalina Co Chan \$2,461.58 overpayment of 2000 taxes.
(PID #V893-999-1160-3700)

.....
*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's Options "B" and "C" to purchase additional quantities pursuant to the terms of Contract No. 2001-252 for Four Person Tilt Pumpers with First In, Inc.

Department: Fire Department
Funds Available: 04250203-508009-PMB0003130
Funding Source: FY2002 Certificates of Obligation
Item(s): 1 (2 each)
Delete Options: 3, 8, 12, 13, 14, 15, 36, 37, 38, 39, 40, 41, 42
Award Amount: \$667,658.00 (less \$24,376.00 Allowance)

.....
*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the contract, for one (1) additional year, from January 1, 2002, through December 31, 2002, pursuant to the provisions of contract 98-0498R, Deferred Compensation Administrator, with PEBSCO.

Option No.: ONE [OF TWO]

Account No: N/A
Funding Source: N/A
Department: Office of Management & Budget

.....
*Motion made, seconded and unanimously carried to approve Change Order No. 7 (Construction Change) to J.A.R. Concrete, Inc., for "Runway 4-22 & Taxiway J Extension" for a decreased amount of \$203,808.99. Change order is to adjust unit price contract quantities as per final measurements and calculations.
.....

Motion made by Representative Cobos to move to the Regular Agenda Bid No. 2001-291 Northwest Service Center

Representative Cobos questioned the Certificates of Obligation (COs) utilized to fund this bid and questioned the amount of monies utilized from Fiscal Year 1997.

Mr. Byron Johnson, Director of Purchasing, stated approximately \$2.7 million dollars of the project cost total were from FY97, about \$1.1 million were from FY00. He further stated the project cost included engineering, A&E contract, testing and the construction phase and the item on the Agenda was to award the construction portion of the project.

Representative Cobos was concerned whether the City was obtaining the optimal use of the COs regarding the cash management and that the City was paying the interest on the monies since 1997, approximately \$16,000.00. He was also concerned as to why the City delayed utilizing the monies and asked that in the future the City utilizes it's cash in a more efficient manner.

Ms. Teresa Quezada, Assistant Director of Public Works, explained that the project has been in development and when staff brings contracts to City Council for award the financial backing must be in place. She further stated at the time the COs were issued the project was programmed for execution; however, some issues arose which prevented awarding this contract.

Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to award Bid No. 2001-291 Northwest Service Center

Contractor:	Banes General Contractors, Inc.	
	El Paso, Texas	
Department:	Public Works	
Funds Available:	31134001/31008/P501535/27105/508027	
	31250102/31008/P501380/27171/508027	
Funding Source:	FY 97 & FY 00 COs	
Items:	Base Bid I	\$2,876,000.00
	Alternate 1	\$ 9,300.00
Total Award:		\$2,886,500.00

The Purchasing and Public Works Departments recommend the award of this contract to Banes General Contractors, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to reconsider Bid No. 2001-291 Northwest Service Center.

Representative Cobos noted that the \$2.7 million dollars of Certificates of Obligation approved in 1997, multiplied by 4% over four years, the cost to the City equals \$399,600.00 and he questioned why the money was not spent when the City did not need to. He asked that the item be postponed for two weeks to allow Mr. Bill Chapman, Chief Financial Officer, to address his concerns.

Mr. Charlie McNabb, Chief Administrative Officer, explained that, if City Council made an affirmative decision not to go forward with the property, the City would reduce the debt with that money. He remarked that in addition to paying interest, the City does earn interest on the Certificates of Obligation sold; however, due to a number of delays the project has finally arrived at this point.

Representative Cobos stated he understood projects being delayed; however, in his opinion, this was not effective cash management.

Mayor Caballero suggested that the item be amended or postponed for two weeks.

Representative Cobos reiterated that he was in support of Certificates of Obligation for longterm capital investment when they were used in a manner that was cash efficient and to their optimal use. He stated that he wished that no action be taken on the reconsideration and he would speak with Mr. Chapman at a later date.

Mr. McNabb suggested that Council approve the item and Mr. Chapman would provide a report for Representative Cobos.

Motion was made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve Bid No. 2001-291 Northwest Service Center as shown above.

.....
*Motion made, seconded and unanimously carried to award Bid No. 1999-38-109R AVL [Automatic Vehicle Locator System]

Amendment to the Siemen's ILG Contract No. 1999-38-109R AVL [Automatic Vehicle Locator System] equipment parts & services as necessary.

This is the 1st Amendment to this Contract for AVL for additional quantities of products and services at C.P.I. indexed pricing. Siemen's ILG is the sole source.

The Contract provided for initial purchases and also purchases to be done over a five [5] year period. This amendment is to authorize the purchases as the initial implementation is complete.

Department: Various Departments
Funds Available: Various other accounts as required
Funding Source: City of El Paso General funds
Award Amount: \$400,000.00 (estimated amount annually)

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-047 Temporary Personnel

Award to: Vendor (1) RMP Personnel, Inc.
El Paso, Texas
Item(s): 1 and 2
Amount: \$84,600.00 (estimated)

Vendor (2) Advance'd Temporaries, Inc.
 El Paso, Texas
 Item(s): 3
 Amount: \$41,250.00 (estimated)

Department: City-County Health
 Funds Available: 502213 Temporary Employment Services
 Funding Source: G410206GRNT TDH – TDH Immunization
 Total Award: \$125,850.00

City-County Health and Purchasing recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a twenty-four month contract with no renewable options. Additionally, RMP Personnel, Inc. offers a 2% 10 days prompt payment discount and Advance'd Temporaries, Inc. offers a 2% 20 days prompt payment discount.

Career Consulting Group, low bid, reversed their pricing on Items 1 and 3.

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2002-054 Police Vehicles 2002 - Rebid

Award to: Vendor (1) Casa Ford, Inc.
 El Paso, Texas
 Item(s): Group A - 1, 4 and 4A
 Group B - 3 and 4
 Amount: \$1,913,987.46

Vendor (2) Rudolph Automotive Corporation
 El Paso, Texas
 Item(s): Group A - 2, 3A and 5
 Group B - 2
 Amount: \$581,738.00

Vendor (3) Dick Poe Dodge L.P.
 El Paso, Texas
 Item(s): Group B - 2
 Amount: \$58,000.00

Department: Police
 Funds Available: 04250203-508006-PMB0003130
 Funding Source: FY2002 Certificates of Obligation
 Total Award: \$2,553,725.46

The Police, Equipment Maintenance and Purchasing Departments recommend awards as indicated to the lowest responsive offer meeting specifications, from responsible parties. Additionally, it is requested to reject all bids submitted for Group A - Item 3. This item is being deleted.

This is a fixed-price, single (one-time) contract, to purchase Police Vehicles. Casa Ford and Dick Poe Dodge did offer options to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised until manufacturers' build out date. Rudolph Automotive Corporation did not offer an option to purchase any additional quantities. No prompt payment discount is offered.

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-156 AIRPORT Transfer of funds to acquire Texas Stone Tool Kit for stamping concrete on Airway Median Project.

Increase	\$1,970	to	62620020/P50000441022/508008	Maj Office Eq
Increase	\$1,970	to	62620020/P50000441022/407001	Intrafund Trf In
Increase	\$1,970	to	62620018/P50000241021/407002	Est Revenue
Increase	\$1,970	to	62620018/P50000241021/507001	Intrafund Out

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*Motion made, seconded and unanimously carried to approve budget transfer BT2002-166 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication Fees and appropriates money to be used for park construction within the same Park Zone as the development that generated the revenues. Parkland Dedication Fees are paid by developers based upon City Ordinance.

Increase	\$ 10,000	to	51159242/P51800011716091/405060	Donations
Increase	\$ 10,000	to	51159242/P51800011716091/508004	PubUse Fac
Increase	\$ 6,645	to	51159242/P51800010316077/405060	Donations
Increase	\$ 6,645	to	51159242/P51800010316077/508004	PubUse Fac
Increase	\$155,000	to	51159242/P51800015616130/405060	Donations
Increase	\$155,000	to	51159242/P51800015616130/508004	PubUse Fac

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-172 NON DEPARTMENTAL

To transfer funds for Municipal Court Interpreters required by a new State law effective January 1, 2002.

Decrease	\$78,000	from	99010273/01101/504405	Contingency
Increase	\$78,000	to	11010011/01101/502215	OutsCont Noc

.....
*Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

Zoning board application refund to Ernestina Segura in the amount of \$100.00

.....
ORDINANCE 14999

The City Clerk read an Ordinance entitled: **AN ORDINANCE CREATING TAX INCREMENT FINANCING DISTRICT NUMBER THREE (NO. 3), CITY OF EL PASO; MAKING FINDINGS OF FACT CONCERNING THE CONDITIONS OF BLIGHT, RESIDENTIAL PROPERTY AND ASSESSED VALUATION WITHIN SAID DISTRICT; CREATING A TAX INCREMENT DISTRICT BOARD OF DIRECTORS AND DEFINING THE POWERS, DUTIES AND TERMS OF OFFICE THEREOF; PROVIDING FOR SUBMISSION OF A PLAN OF IMPROVEMENTS FOR SAID DISTRICT; PROVIDING FOR DUTIES OF THE TAX ASSESSOR; SETTING THE BOUNDARIES FOR SAID DISTRICT; AND PROVIDING A SEVERABILITY CLAUSE.**

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to open the public hearing.

Mr. Norman Gordon, City's bond counsel, explained that he had amended the Ordinance and handed to Council Members those revisions for their review, as well as a revised Preliminary Financing Plan. He reviewed the amendments to the Ordinance and Preliminary Financing Plan.

Representative Sumrall questioned whether meetings had taken place with the other taxing entities.

Mr. Gordon stated that he had met with Mr. Safi, attorney for the El Paso Independent School District, and presented a letter he had received from Mr. Safi which reiterated that the El Paso Independent School District had expressed reservations regarding the Tax Increment Financing District No. 3. He said he had also met with individuals from the Downtown Management District.

Mayor Raymond C. Caballero stated that he was confident that not one cent would come in to the City from the TIF for more than a year and that this timeframe would allow for any concerns to be addressed from the other taxing entities.

Representative Medina thanked Mr. Gordon for his extraordinary work on these Tax Increment Financing Districts and moved to approve the Ordinance with the amendments as presented by Mr. Gordon.

Representative Sariñana questioned Mr. Gordon as to the number of the Board Members and whether the Board Members should be comprised of individuals owning property or living within the TIF District.

Mr. Gordon read Section 311.009(e) from the Tax Code for Representative Sariñana and explained that an individual could be a property owner in the zone, not living in the City and could still be a member of the Board, if the individual was over the age of 18.

Mayor Caballero read into the record a letter from Hunt Building Corporation signed by Mr. Edmundson, Vice-President of Governmental and Public Affairs, which stated that in view of the amendments to the Ordinance proposed by Mr. Gordon the Hunt Building was in support of TIF District No. 3 and would commit to revitalizing the community. He congratulated the Hunt Building Corporation for demonstrating great corporate partnership.

Representative Sumrall asked Mr. Gordon whether he investigated what the impact might be on the residential property owner.

Mr. Gordon responded that if there was a tax increase in any individual's taxes due to monies captured in the TIF Zone, the tax increase would affect all property owners. He concluded that the finding that the City Council was attempting to make would be a general benefit to the City and a benefit within the Zone, was a finding that by the creation of the zone the City would be increasing property values Citywide; which creates a greater tax base to satisfy the City's needs.

Mayor Caballero commented that the Housing Finance Corporation would be making an investment. He thanked Representative Cook, Representative Rodriguez and the rest of the members of the Housing Finance Corporation for making this available.

Representative Cobos stated that the general fund would be impacted by the creation of the TIF District; however, the creation of the TIF District would assist building parking lots, loft apartments and more shopping venues. He asked that the Mayor and Council Members appoint the members of the Board today.

Mr. Kenneth Wever, President of the El Paso Independent School Board, commented on the undemocratic distribution of the members of the Board and stated that the El Paso Independent School District contributes 53% and is allowed one individual; whereas the City Council is allowed to select seven individuals. He commented on discrepancies within the Tax Increment Financing District documents.

Mr. Arturo Huerta, El Paso Community College Board of Trustees, explained that the El Paso Community College was not against the TIFs, as it was stated in the El Paso Times; however, the Community College did not have enough information to make an informed decision. He went on to say the Community College Board would be having a meeting on January 16, 2002 to further discuss the TIFs. He stated the Community College is very

interested in moving the County of El Paso forward and he asked that the City Council make all the taxing entities equal partners in the TIF Districts.

Mayor Caballero thanked Messrs. Wever and Huerta for their comments.

Mr. Stanley Jobe, citizen, complimented the Mayor and others for working through the concerns regarding tax abatement and representation issues. He stated that on behalf of his property he would support TIF District No. 3.

Mayor Caballero thanked Mr. Jobe for his support.

Mr. Brent Harris, representing a large land ownership in the Northwest area of the City, also thanked the Mayor for working through the tax abatement and representation issues. He stated his client would be in support of the TIF District No. 3.

Representative Cook explained that not all issues have been addressed; however, he stated that in order to establish the base year it would be appropriate to approve the Ordinance and that if amendments were necessary these amendments could be made at a future City Council meeting.

Texas State Senator Eliot Shapleigh spoke about tax issues and stated that the State of Texas was the biggest contributor to El Paso County in the amount of \$1.2 billion dollars toward education funding for the children. He commented on the Border Health Institute ("BHI") and the positive impact the BHI would have on El Paso. He stated that in a declining tax base the State of Texas does not collect any monies; however, if the tax base would rise the whole city benefits. He congratulated the Mayor, City Council members and others for setting a vision to raise the tax base but lowering the pressure of taxes and to improve the City of El Paso.

Motion made Representative Cook, seconded by Representative Rodriguez and unanimously carried to close the public hearing.

Mr. Gordon explained that Council Members would need to adopt the findings reflected in the report, summarized in Section 3 of the proposed Ordinance and the findings of the various ratios found in Sections 4 and 5 of the Ordinance and the findings in Section 6 of the Ordinance as they were proposed.

Motion made by Representative Escobar, seconded by Representative Power and carried to approve the above findings as stated by Mr. Gordon.

Representative Sumrall and Representative Sariñana voted Nay.

Representative Cobos read Section 3.1 into the record regarding the land area between Montoya and Medano suffering from deterioration.

Representative Sumrall responded that this was in reference to empty properties.

Mr. Gordon thanked Ms. Patricia Adatao, Director of Planning and her staff, Mr. Thomas Maguire of the Building Services Department, and Ms. Sylvia Borunda-Firth, City Attorney's office, for compiling the very detailed work regarding this Ordinance.

Mayor Caballero reiterated his thanks for their very diligent work regarding the Ordinance.

Representative Cobos questioned whether the City Council would appoint the seven members of the Board at this time.

Ms. Rita Rodriguez, City Attorney, stated that the appointment of the seven members to the Board was not an item on the Agenda today.

Motion duly made by Representative Medina, seconded by Representative Cook, that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, and Cobos
NAYS: Council Members Sumrall and Sariñana Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made, seconded and unanimously carried to delete an Ordinance amending Ordinance No. 014874 which changed the zoning of Lot 17, Block E, COLLINGSWORTH, El Paso, El Paso County, Texas, (5990 Alameda Avenue) and which imposed certain conditions, to delete Conditions No. Two (2) and Three (3) thereof. The penalty being as provided in Section 20.68.010 of the Municipal Code. Applicant/Representative: Cesar Carlos Holguin, 1420 Plaza Fatima, El Paso, TX 79912. SC-01011.
.....

ORDINANCE 15000

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE NORTH 75 FEET OF TRACT 24, CROSSROADS SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (5049 CROSSROADS) FROM R-5 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rick Barraza, applicant, stated that the zoning change was for his office.

Motion duly made by Representative Sumrall, seconded by Representative Medina, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar and Sariñana
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Cobos was not present for the vote.

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ORDINANCE 15001

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO PRIMERA IGLESIA BAUTISTA MEXICANA, INC. PERMITTING THE ENCROACHMENT OF TWO ENTRYWAY DOORS ONTO A PORTION OF PUBLIC RIGHT-OF-WAY AT 1212 NORTH STEVENS STREET.**

Motion duly made by Representative Sariñana, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15002

The City Clerk read an Ordinance entitled: **AN ORDINANCE NOMINATING AN AREA AS THE NORTHEAST EL PASO ENTERPRISE ZONE, BUT NOT A REINVESTMENT ZONE, PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT (TEXAS GOVERNMENT CODE, CHAPTER 2303); PROVIDING TAX INCENTIVES; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO ACT IN ALL MATTERS PERTAINING TO THE NOMINATION AND DESIGNATION OF THE AREA DESCRIBED HEREIN AS AN ENTERPRISE ZONE; AND, FURTHER DESIGNATING A LIAISON TO ACT ON ALL MATTERS PERTAINING TO THE ENTERPRISE ZONE ACT ONCE DESIGNATED BY THE TEXAS DEPARTMENT OF ECONOMIC DEVELOPMENT.**

Mr. Roberto Franco, Director of Economic Development, briefly discussed the designation of the Northeast Enterprise Zone and stated that a State Enterprise Zone allows the City, County and the State to work together to offer incentives to companies within the designated areas. He stated that the area met the qualifying criteria due to it being a distressed area with unemployment and poverty factors. He asked Council Members to approve three possible incentives: 1. up to 50% of 1% of the City's sales tax which amounts to \$5,000.00 on every \$1 million dollars that would be accrued on the first year's purchasing of the company; 2. extended terms on the revolving loan fund of the project, up to eight years. 3. 50% reduction on the tax abatement application fee only on the projects inside the State Enterprise Zone project.

Representative Cook thanked Mr. Franco for involving him in this project.

Mr. Franco stated that letters requesting input were sent to developers and real estate firms within the Northeast State Enterprise Zone, the City of El Paso's Planning Department, and the Chamber of Commerce.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representatives Sumrall and Medina were not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Enterprise Zone Application to the Texas Department of Economic Development for designation of 13.28 square miles of northeast El Paso as the Northeast El Paso State Enterprise Zone.

The Resolution vote was taken in conjunction with the above Ordinance.

Motion made by Representative Cook, seconded by Representative Escobar and carried to approve the above Resolution.

Representatives Sumrall and Medina were not present for the vote.

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ORDINANCE 15003

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OUT OF U. S. INTERSTATE HIGHWAY I-10 ADJACENT TO LOT 1, BLOCK 18, REGAL CREST UNIT THREE, CITY OF EL PASO, EL PASO COUNTY, TEXAS (REDD ROAD @ I-10 WEST).**

Motion duly made by Representative Rodriguez, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Council Members Sumrall, Medina and Power were not present for the vote.

.....
ORDINANCE 15004

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ARCHITECT ASSOCIATE I AND CHANGE THE TITLE TO ARCHITECTURAL INTERN**

Motion duly made by Representative Rodriguez, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Council Member Power was not present for the vote.

.....
ORDINANCE 15005

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF DEPUTY CITY CLERK**

Motion duly made by Representative Rodriguez, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Council Member Power was not present for the vote.

ORDINANCE 15006

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NOS. 12909, 12141, AND 10739, TO PROVIDE THAT CITY COUNCIL MAY AUTHORIZE THE EL PASO PUBLIC LIBRARY TO ACCEPT RETURN OF OVERDUE ITEMS WITHOUT PAYMENT OF FINES OR FEES DURING A LIMITED PERIOD OF AMNESTY.**

Ms. Carol Brey, Director of Libraries, explained that this idea transpired during the Budget Hearings and that the libraries would lose approximately \$2,400.00 in fines yet would gain approximately \$30,000.00 for returned items. She noted that this event would take place during the week of January 5, 2002 through January 12, 2002.

Motion duly made by Representative Rodriguez, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Council Member Power was not available for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Discussion and action regarding bike lane on Piedras St. that has affected parking for patrons of small businesses along Piedras. (Antonio Castro)

A motion was made by Representative Cook, seconded by Representative Sumrall to postpone one week the discussion and action regarding bike lane on Piedras St. that has affected parking for patrons of small businesses along Piedras. (Antonio Castro)

Representatives Rodriguez, Medina, Power, Sariñana and Cobos voted Nay to postpone for one week. The Motion did not pass.

Mr. Daryl Cole, Deputy Director for Streets, explained that public meetings regarding the bike lane had taken place and that the issue was not about the bike lane but an issue regarding parking along the business sections of Piedras. He proposed two options: 1). between the 2300-2700 blocks of Piedras angle or parallel parking be installed in front of the residents off of Piedras and to try and keep the bike lane. However, if the residents do not permit the angled parking on the side streets which enter Piedras and restrict the parking on Piedras as it is today, if this could not be accomplished he recommended option 2). removing the bike lane within six months.

Representative Cook stated that, in his opinion, four or five businesses were being impacted due to the loss of parking; however, the other businesses have adequate parking. He asked Mr. Cole whether paving the alleys would help the parking situation.

Mr. Cole responded that paving the alley was one of the options which he wanted to investigate further, in addition to, perhaps paving only half of the alley and moving gas meters to allow for parking on one side and no parking on the other side. He stated that paving the alley would not be sufficient to offset the parking loss.

Representative Rodriguez stated that the monies would depend on how much parking would be given and added that there was sufficient space for angled parking.

Representative Cobos commented on moving the bike lane to Copia Street and he asked Mr. Cole how wide Copia Street was as compared to Piedras.

Mr. Cole stated that he did not have that information; however, Copia Street consisted of four lanes, two north and two south and varied in width all the way through the lower section of the street.

Mr. Cole explained that if a bike lane was installed the result would be approximately the same as Piedras in that only one lane going north and south with the addition of turning lanes and placing the bike lanes on either side. He reiterated that the loss would be one lane going to the north and one lane going to the south as similar to Piedras.

Mayor Raymond C. Caballero stated that Copia did not have the same amount of businesses as that of Piedras.

Representative Medina stated that in his opinion the bike lane should not be removed.

Representative Rodriguez asked that the issue be resolved before the budget hearings for the next year.

Representative Cobos made a motion to postpone for four weeks to explore the feasibility of moving the bike lane to Copia Street and to save capital investment monies.

Representative Rodriguez explained that during the public hearings that same question was raised; however, it was determined that Piedras was selected for the bike lane installation due to the traffic volume and higher speed limits on Copia Street.

Representative Cobos included the feasibility of a turning lane to Copia.

Representative Sumrall explained that Mr. Robert Gonzalez, engineer with the firm Mason & Associates and local coordinator for the Texas Bicycle Coalition, had spoken with her and stated that the study was not meant to be something written in stone but rather a suggestion as to the best route for the bike lane.

Mr. Gonzalez replied that he was the project manager for the study for John Carlsworth, CSA, and stated that the study was intended to be a guideline for bike lanes. He asked Mr. Carlsworth to make comments. Mr. Gonzalez stated that he believed that Copia would need to be analyzed as to whether or not Copia could accommodate cyclists and vehicles safely.

Mr. Cole stated that the bike lane study is utilized as a guide; however, the Street Department utilizes new design standards which allow for bike lanes.

Mr. Matthew Carroll, cyclist for 40 years, commented that the removal of the bike lane was not the due process he was seeking. He stated that although the businesses have become accustomed to using the

curbside parking, they do not have statutory right to the curbside parking. He noted that bike lanes were a traffic safety issue and, in his opinion, Copia Street would be more suitable for the bike lane due to the ability to connect to the Free Bridge and the Northeast. He suggested that City Council pass a Motion to build a bike lane on Copia and once the bike lane is in place, decide whether or not to eliminate all or part of the Piedras Street bike lane. He has been a supporter of cyclists and has fought to prevent the abuse and harassment of cyclists utilizing the International Bridges.

Mr. Jose Castro, owner of the Hill Top Barber Shop on Piedras, explained that he has been an avid bicyclist for many years; however, he felt that there was a place and time for bicycle lanes but Piedras is not one of them. He questioned what the value of the properties would be when parking is restricted for the affected residents.

Mayor Caballero stated that the City Council was trying to balance the competing considerations and asked that patience be exercised. He did not know the answer to Mr. Castro's question regarding the property values.

Representative Sariñana was concerned regarding the removal of the signs.

Mayor Caballero understood Representative Sariñana's concerns and explained that this might be a situation that the City Attorney's office would need to address.

Mr. John Carlsworth, CSA Consulting Engineers, explained that his firm had authored the study and stated that Mr. Cole's idea was worth consideration. He stated that for the record CSA stands by its study that Piedras is the best route; however, further thought needs to be considered regarding land use and traffic integration. He explained that the study was performed for the Metropolitan Planning Organization and funded by a federal grant. He noted that a regional Steering Committee was created and that advertisements regarding public hearings and press releases were given. He stated that the business owners could not foresee the parking situation and therefore did not take an interest. He noted that interviews with individual business were not conducted during the study.

Representative Power asked Mr. Cole how much time would he need to contact the residents in the neighborhood regarding angled parking.

Mr. Cole responded contacting the residents was not an issue, the issue was meeting with them and coming to a conclusion; however, the more technical aspect would be designing the parking and finding the capital monies to execute. He thought this might take approximately 30 days.

Ms. Anita Gomez, owner of Studio Metropolis, stated she was concerned as to how traffic and bicyclists would utilize the same space that only measures 39 feet. She commented on the number of business owners and the lack of parking spaces. She addressed the handicapped and elderly individuals having to walk approximately 200 feet pending the consideration of off street parking. She was in agreement to move the bike lane to Copia.

Representative Medina thanked the business owner's on Piedras Street for their comments; however, moving the bike lane to Copia would not solve the issue. He recommended postponing the bike lane issue for at least nine to 12 months to coincide with the next year's budget hearings.

Representative Escobar asked that the bike markings, as well as the bike lane be removed.

Mr. Fred Dalbin, architect and planner in El Paso, lives in the neighborhood and was present to comment in favor of the bike lane. He stated that he provides side parking on the side street, in addition to parking in the alley, for his customers.

Ms. Rita Rodriguez, City Attorney, advised Council Members that amendment(s) to the Ordinance(s) would need to be established prior to addressing the signage or no parking area elimination.

Representative Sumrall was concerned if the bike lane was to be removed problems would arise; however, if angled parking would be established, in addition to the paving of the alleys, other areas of the City would request the same privilege.

Representative Rodriguez expressed her desire to postpone the item until after the budget hearings, remove the bike lane and to allow the business owners their parking privileges again. She stated that she had mailed 3,000 flyers requesting the individual and/or business owner's vote in favor of/or against the bike lane. She noted that 107 votes were in favor of the bike lane and 84 were against the bike lane.

Mr. Fred Ozyba, citizen, stated that he had been a bicyclist in Germany for 12 years and that Piedras was not wide enough to accommodate a bicyclist. He stated he would prefer Copia as the street for bike lanes. He disagreed with the way in which Representative Rodriguez' mailings were handled and noted that the flyers only requested a vote in favor of or against the bike lane, the flyers did not include the option to reach a compromise.

Ms. Pat Dalbin, citizen, stated that she was in favor of the bike lanes and mentioned other cities utilizing bike lanes such as Albuquerque, Tucson, etc. She said she was disappointed in that monies, time and energies have been spent on this project and within a matter of minutes the bike lane would no longer be in existence. She commented on the volume of accidents prior to and after the installation of the bike lanes.

Mayor Caballero thanked the individuals who came forward to speak on behalf of or against the bike lane and noted that there would no longer be any public comment.

Representative Rodriguez agreed with Mr. Cole's suggestion; however, in the meanwhile, she requested a 30 foot clearance from each corner to increase visibility and noted that this would be her Motion. There was no second.

Representative Power stated that bike lanes in other communities were well thought out and planned. He believed that the Piedras bike lane was not well thought out and planned and he would like to see the bike lanes in the peripheries.

Representative Escobar stated that he would like to see the neighborhood returned to its way of life prior to the installation of the bike lanes.

Representative Sariñana did not understand Representative Rodriguez' motion and stated that the Ordinance would need to be returned to the City Attorney's office for further review. He understood that there were monies available to pave the alleys and asked that the paving of the alleys be considered a priority.

Mayor Caballero suggested that the item be discussed during the Executive Session to obtain attorney advice.

Representative Cobos thought that the angled parking would be dangerous considering the bike lane is located behind the parked vehicles.

After comments made by Representative Rodriguez and Mayor Caballero, it was determined to discuss this during executive session. See motion on page 30 to move this to executive session. More discussion and the final motion regarding the bike lane are shown on pages 30 and 31.

Motion made by Representative Rodriguez, seconded by Representative Sumrall and unanimously carried to reject RFP 2001-270, Deferred Compensation Administrator as recommended by Purchasing and Office of Management & Budget.

This requirement will be reviewed by the user department. A new request for proposals will be revised and will be issued at a later time.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to authorize the Director of Purchasing to reject the bids submitted for Bid No. 2002-017, Police Vehicles for the Police Department. This item was re-bid with revised specifications that included Best Value Procurement criteria.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance vacating two (2) twenty-foot (20') wide easements located within a portion of Fractional Block 229, Alexander Addition, a portion of Savage Street (now closed), and a portion of Blocks 51 and 52 of the First Supplemental Map of Kern Place Addition, and an unknown width of a Mountain States Telephone and El Paso Electric Company easement lying within a portion of Block 51, Replat of First Supplemental Map of Kern Place Addition, City of El Paso el Paso (North of Mesa Street and west of Gregory Avenue).
- B. An Ordinance to amend Title 9 (Health & Safety), Chapter 9.48 (Swimming Pools) in its entirety. The penalty being as provided in Section 9.48.270 of the El Paso Municipal Code.
- C. An Ordinance amending Title 10 (Public Peace, Morals and Welfare) Chapter 10.12 (Offenses Against Public Peace) of the El Paso Municipal Code, by adding Section 10.12.050, Prohibiting the Possession of an Open Alcoholic Beverage Container or the Public Consumption of an Alcoholic Beverage within the El Paso Central Business District.
- D. An Ordinance amending Title 18 (Building And Construction), Chapter 18.02 (Building And Construction Administrative Code), Sections 18.02.108.2.1 (Mechanical Contractors—Licenses Required); 18.02.108.3.1 (Electrical Contractors—Licenses Required); 18.02.108.4.1 (Plumbing Contractors—Licenses Required) and 18.02.108.5.1 (Gas Contractors—Licenses, Bond And Insurance), Of The El Paso Municipal Code. The Penalty Being As Provided In Section 18.02.107 Of The El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 8, 2002 FOR ITEMS A - D

- E. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code to add minimum yard standards in the S-D (Special Development District), to permit variable yard setbacks and lot sizes in the S-D (Special Development District), PR-I (Planned Residential District I), and PR II (Planned Residential District II), and amending Special Permit requirements for Planned Residential Districts allowing for variable yard setbacks and lot sizes.

PUBLIC HEARING WILL BE HELD ON JANUARY 14, 2002 FOR ITEM E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Cook questioned whether "Mountain States Telephone" noted in the Introduction of the Ordinance vacating two (2) twenty-foot (20') wide easements located within a portion of Fractional Block 229 Alexander Addition, a portion of Savage Street (now closed), and a portion of Blocks 51 and 52 of the First Supplemental Map of Kern Place Addition, and an unknown width of a Mountain States Telephone and El Paso Electric Company easement lying within a portion of Block 51, Replat of First Supplemental Map of Kern Place Addition, City of El Paso el Paso (North of Mesa Street and west of Gregory Avenue), should be changed to read "Southwestern Bell".

Ms. Rita Rodriguez, City Attorney, stated that in the original Ordinance the name may have read as "Mountain States Telephone" and if necessary the changes would be made at the time of the adoption of the Ordinance.

Ms. Carole Hunter, City Clerk, stated that the Public Hearings would be held on Monday, January 8, 2002 for the above listed Ordinance introductions. She clarified that the public hearing for the Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code to add minimum yard standards in the SD (Special Development District), to permit variable yard setbacks and lot sizes in the SD (Special Development District), PR-I (Planned Residential District I), and PR II (Planned Residential District II), and amending Special Permit requirements for Planned Residential Districts allowing for variable yard setbacks and lot sizes would be held on January 14, 2002 and that the Notice of Introduction would be corrected.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

- A. Discussion and Action on El Paso Association of Firefighters, Local 51 v. The City of El Paso, Cause No. 2000-2810, Our File No. 00-S-38
- B. Discussion and action regarding bike lane on Piedras St. that has affected parking for patrons of small businesses along Piedras. (Antonio Castro)

Motion made by Representative Cook and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows: (There was no second).

.....
Motion made by Representative Medina, seconded by Representative Cook and carried, that the City settle the lawsuit entitled **EL PASO ASSOCIATION OF FIREFIGHTERS, LOCAL 51 v. THE CITY OF EL PASO, Cause No. 2000-2810, our file number 00-S-38** as recommended by the City Attorney.

.....
Motion made by Representative Rodriguez, seconded by Representative Medina to accept the Departmental recommendation to include the 12 month extension and a clearance of 30 feet from every corner as protective viewing.

Representative Medina asked Mr. Cole whether his recommendation included that there not be a bike lane until 12 months from now.

Mr. Cole responded if that was what Council's directive would be and to include that the Street Department study the necessary areas along Piedras to allow for parking that would be removed by having the bike lane in place. He reiterated that an Ordinance would need to be established for the removal of the signage until such time that the parking be allowed. He explained that the striping on Piedras was laid with lane tape.

The voting for Representative Rodriguez's motion was as follows:

Representatives Sumrall, Power, Escobar, Sariñana and Cobos voted Nay.

Representatives Rodriguez, Medina and Cook voted Aye.

The motion did not pass.

Representative Sariñana moved to send the item to the City Attorney's office so that an Ordinance might be drafted and to have the Ordinance come before Council in three weeks.

Representative Power asked what the Ordinance would allow for.

Representative Sariñana explained that the Ordinance would comply with every City law, in the respect that City Council could not remove signage and leave the striping or vice versa.

Mayor Raymond C. Caballero suggested that the City Attorney's office study what a new Ordinance might entail.

Ms. Rita Rodriguez, City Attorney, clarified the City Council was directing the City Attorney's office to bring back to Council the actions, pursuant to law, required in order that the bike lane be eliminated and parking restored.

Representative Power seconded the motion.

Representative Cobos asked Representative Sariñana to include in his Motion the study of the feasibility of Copia Street, to be performed by the Street Department. Representative Sariñana agreed to amend his Motion and Representative Power seconded.

Representative Rodriguez asked if Representative Sariñana's motion would include no additional parking on Piedras or any additional opinions regarding Piedras.

Representative Sariñana explained that the City Attorney's office would bring to Council the necessary changes and amendments to ensure that the City would be within the law(s).

Representative Cook asked Mr. Cole which streets terminate in the vicinity of the Five Points Bus Terminal. He explained that the concept of bike lanes was to provide protected pads for individuals to ride in and to interlink the bike lanes with public transportation.

Mr. Cole responded Piedras Street.

Representative Cobos noted that the bike lane terminates at the railroad crossing and is very hazardous south of the railroad crossing.

Mr. McNabb thought that a consultant might be required for the study.

Mr. Cole explained that the Street Department has an in-house consulting firm and could be back to Council within three to four weeks. Mr. Cole added and to specifically investigate Copia Street as an alternative.

Representative Sumrall asked that the consulting firm selected not be the consulting firm originally hired to prepare the initial study.

Mr. McNabb responded that at the same time the Legal Department renders it's findings the proposal regarding the study would be ready.

Ms. Rodriguez reiterated the Motion, "That City Council was directing the City Attorney's office to bring back to Council all necessary legal actions and amendments to Ordinances in order to eliminate the bike lane, remove the signage and create the parking zones as they were prior to the installation of the bike lane". She added that this action would be brought back to City Council within three weeks.

Mayor Caballero added "and to study the possibility of alternative".

The vote was taken on the Motion.

Motion made by Representative Sariñana, seconded by Representative Power and carried to direct the City Attorney's office to bring back to Council within three (3) weeks any necessary legal actions and amendments to Ordinances in order to eliminate the bike lane on Piedras, remove the signage and return the parking zones. Staff is also directed to study the feasibility of a bike lane on Copia Street as a possible alternative.

Representative Sumrall, Representative Rodriguez, Representative Medina, Representative Power, Representative Escobar, Representative Sariñana and Representative Cobos voted Aye.

Representative Cook voted Nay.

The Motion passed 7-1.

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Mayor Raymond C. Caballero wished everyone the happiest of holidays.

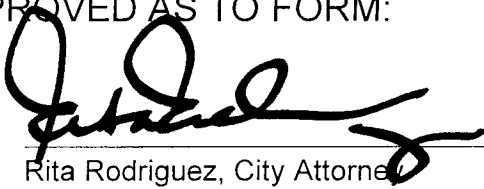
.....
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to adjourn this meeting at 11:45 p.m.
.....

APPROVED AS TO CONTENT:



Carole Hunter, City Clerk

APPROVED AS TO FORM:


Rita Rodriguez, City Attorney